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# ANALYSIS OF THE CONSTITUTION OF THE UNITED STATES

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FOR USE IN  
CONSTITUTIONAL LAW CLASS,  
UNIVERSITY OF MARYLAND.



CONDUCTED BY  
ALFRED S. NILES



*Walter Alfred Belmont*

SHORT SYLLABUS  
OF  
ANALYSIS  
OF THE  
CONSTITUTION OF THE UNITED STATES

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# ANALYSIS OF THE CONSTITUTION OF THE UNITED STATES

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## I OBJECT

### A. *The Creation of a Nation*

In order to “form a more Perfect Union, Establish Justice, Insure Domestic Tranquility, Provide for the Common Defense, Promote the General Welfare, and Secure the Blessings of Liberty to [the Founders and their Posterity,” this Constitution is established for the National Entity, viz.: The United States of America.

(Preamble)

### B. *The Maintenance of the States as Sovereign in Their Spheres*

All powers not granted by Constitution, reserved to States or the People.

10th Amendment)

### C. *The Supremacy of the National Government*

United States Constitution, laws and treaties to be Supreme Law of the Land.

(Art. VI, Sec. 2)

### D. *The Ultimate Sovereignty of “The People,” acting in their respective States.*

“The People” of the United States adopted the Constitution.

(Preamble)

Enumeration of certain rights in Constitution not to be construed to deny or disparage others retained by the People.

(9th Amendment)

Power given to amend without limit as to subject matter except as to equal representation of States in Senate.

(Art. V)

## II

## STRUCTURE OF GOVERNMENT

*Three Departments and Amending Power*

- A. Legislative Department.
- B. Amending Power.
- C. Executive Department.
- D. Judicial Department.

## A. LEGISLATIVE DEPARTMENT—INSTRUMENTALITIES OF ORDINARY LEGISLATION

1. CONGRESS—To consist of House of Representatives and Senate.  
(Art. I, Sec. 1)

a. *House of Representatives*(1) *Composition*

- (a) Members chosen from the States according to population determined by census (except when there are State limitations to franchise); maximum limit of 30,000 for one representative; each State to have at least one representative; term two years.  
(Art. I, Sec. 2, Cl. 3, and 14th Amendment, Sec. 2)

(2) *Qualifications*

- (a) Members must be at least 25 years of age.  
(Art. I, Sec. 2, Cl. 2)
- (b) Members must be 7 years citizens of the United States.  
(Art. I, Sec. 2, Cl. 2)
- (c) Members must be inhabitants of the State in which chosen.  
(Art. I, Sec. 2, Cl. 2)
- (d) Members must take prescribed oath.  
(Art. VI, Sec. 3)

(3) *Election*

- (a) Time, Place and Manner—as legislature of State may determine, subject to Congressional control.  
(Art. I, Sec. 4, Cl. 1)



- (b) Electors—those qualified to vote for members of the most numerous branch of State legislature.  
(Art. I, Sec. 2, Cl. 1)
- (c) Vacancies filled by Elections called by Governor.  
(Art. I, Sec. 2, Cl. 4)
- (4) *Organization*
  - (a) Choose its own officers.  
(Art. I, Sec. 2, Cl. 5)
  - (b) Determine its own members.  
(Art. I, Sec. 2, Cl. 5)
- (5) *Procedure*
  - (a) Shall assemble once a year on first Monday in December, unless different day appointed.  
(Art. I, Sec. 4, Cl. 2)
  - (b) Majority quorum.  
(Art. I, Sec. 5, Cl. 1)
  - (c) Minority may compel attendance of absentees.  
(Art. I, Sec. 5, Cl. 1)
  - (d) May determine its own rules.  
(Art. I, Sec. 5, Cl. 2)
  - (e) May punish its members for disorderly conduct.  
(Art. I, Sec. 5, Cl. 2)
  - (f) May expel a member by two-thirds vote.  
(Art. I, Sec. 5, Cl. 2)
  - (g) Must keep Journal and publish same unless otherwise ordered, and enter Yeas and Nays thereon on request of one-fifth present.  
(Art. I, Sec. 5, Cl. 3)
  - (h) Must not take more than three days recess nor meet at any other place without consent of Senate.  
(Art. I, Sec. 5, Cl. 4)
  - (i) Revenue bills must originate therein.  
(Art. I, Sec. 7, Cl. 1)
  - (k) May, with Senate, override President's veto by two-thirds vote.  
(Art. I, Sec. 7, Cl. 2 and 3)
- (6) *Privileges of Members*
  - (a) To receive compensation from U. S.  
(Art. I, Sec. 6, Cl. 1)

- (b) To be immune from arrest in civil cases.  
(Art. I, Sec. 6, Cl. 1)
- (c) To be absolutely privileged from accountability in any other place for their actions as members in the House.  
(Art. I, Sec. 6, Cl. 1)

*b. Senate*

(1) *Composition*

- (a) Two Senators to be chosen from each State, each Senator to have one vote; term 6 years.  
(17th Amendment)
- (b) One-third to retire every 2 years.  
(Art. I, Sec. 3, Cl. 2)

(2) *Qualifications*

- (a) Members must be 30 years of age.  
(Art. I, Sec. 3, Cl. 3)
- (b) Members must be 9 years citizens of the United States.  
(Art. I, Sec. 3, Cl. 3)
- (c) Members must be, when chosen, inhabitants of the State for which chosen.  
(Art. I, Sec. 3, Cl. 3)
- (d) Members must take oath.  
(Art. VI, Cl. 3)

(3) *Election*

- (a) Time, Places and Manner of Election—As legislature may determine, subject to Congressional control.  
(Art. I, Sec. 4, Cl. 1)
- (b) Electors, those qualified to vote for members of the most numerous branch of State legislature.  
(17th Amendment)
- (c) Vacancies to be filled by election called by Governor, but Governor has power, when authorized by legislature, to temporarily fill vacancies.  
(17th Amendment)

(4) *Organization*

- (a) Vice-President to preside but without vote.  
(Art. I, Sec. 3, Cl. 4)



- (b) Senate to elect its other officers, including President *pro tempore*.

(Art. I, Sec. 3, Cl. 5)

(5) *Procedure*

- (a) To assemble once a year on first Monday in December unless different day is appointed.

(Art. I, Sec. 4, Cl. 2)

- (b) Majority quorum.

(Art. I, Sec. 5, Cl. 1)

- (c) Minority may compel attendance of absentees.

(Art. I, Sec. 5, Cl. 1)

- (d) May determine its own rules.

(Art. I, Sec. 5, Cl. 2)

- (e) May punish its members for disorderly conduct.

(Art. I, Sec. 5, Cl. 2)

- (f) May expel member by two-thirds vote.

(Art. I, Sec. 5, Cl. 2)

- (g) Must keep Journal and publish same unless otherwise ordered, and enter Yeas and Nays thereon on request of one-fifth present.

(Art. I, Sec. 5, Cl. 3)

- (h) Must not take more than three days' recess nor meet at any other place without consent of House of Representatives.

(Art. I, Sec. 5, Cl. 4)

- (i) On trial of President by Impeachment, Chief Justice to preside and Senators to be on oath.

(Art. I, Sec. 3, Cl. 6)

- (j) May, with House of Representatives, override President's veto by two-thirds vote.

(Art. I, Sec. 7, Cl. 2 and 3)

(6) *Privileges of Senators*

- (a) To receive compensation from the United States.

(Art. I, Sec. 6, Cl. 1)

- (b) To be immune from arrest in civil cases.

(Art. I, Sec. 6, Cl. 1)

- (c) To be absolutely privileged from accountability in any other place for their actions as Senators in the Senate.

(Art. I, Sec. 6, Cl. 1)

*c. President*

- (1) No act, order, resolution or vote to be valid unless signed by President, passed over his veto, or left without action by him for ten days during Session of Congress.

(Art. I, Sec. 7, Cl. 2 and 3)

- (2) Shall recommend measures in his messages.

(Art. II, Sec. 3)

*d. Vice-President*

To preside over Senate and to vote in case of tie.

(Art. I, Sec. 3, Cl. 4)

## B. AMENDING POWER—INSTRUMENTALITIES FOR CHANGING THE CONSTITUTION

### 1. CONGRESS AND STATE LEGISLATURES

- a. Two-thirds of Congress may propose Amendments, which will become parts of the Constitution when ratified by three-fourths of the State legislatures.

### 2. STATE LEGISLATURES, CONGRESS AND STATE CONVENTION

- a. If two-thirds of State Legislatures petition Congress to call Convention for proposing Amendments, Congress must call such a convention. This Convention may then propose Amendments which shall become part of the Constitution when ratified by three-fourths of State legislatures or by conventions in three-fourths of the States, as one or the other method of ratification may be proposed by Congress.

(Art. V)

## C. EXECUTIVE DEPARTMENT—INSTRUMENTALITIES OF EXEC- UTIVE POWER

### 1. THE PRESIDENT

#### a. *Qualifications*

- (1) Must be natural born citizen.

(Art. II, Sec. 1, Cl. 5)

- (2) Must be 35 years old.

(Art. II, Sec. 1, Cl. 5)

- (3) Must have been 14 years resident of United States.

(Art. II, Sec. 1, Cl. 5)

- (4) Must take Constitutional oath.  
(Art. II, Sec. 7, Cl. 6)
- b. *Term*—4 years.  
(Art. II, Sec. 1, Cl. 1)
- c. *Election*
  - (1) Elected with Vice-President by Electors appointed by the States as they respectively see fit, equal in number in each State to its whole representation in Senators and Representatives.  
(Art. II, Sec. 1, Cl. 2)
  - (2) These Electors to meet in their respective states and vote by ballot separately for President and Vice-President, one of whom must not be an inhabitant of the same State as themselves. Whoever receives a majority of the votes of the Electors is elected. If no one receives a majority for President, the election is made by House of Representatives, the delegation from each State having one vote.  
(12th Amendment)
  - (3) The day of choosing the Electors and the day when the Electors cast their votes may be designated by Congress and the day on which the Electors vote must be the same in all the States.  
(Art. II, Sec. 1, Cl. 2 and 3, and 12th Amendment)
- d. *Vacancies*
  - (1) In case of vacancy, Vice-President shall succeed.  
(Art. II, Sec. 1, Cl. 6)
  - (2) When President and Vice-President both disabled, Congress may provide successor.  
(Art. II, Sec. 1, Cl. 6)
- e. *Privileges of President*
  - (1) To receive salary, which shall not be diminished during his term.  
(Art. II, Sec. 1, Cl. 7)

## 2. THE VICE-PRESIDENT

- a. *Qualifications, Term, Election and Privileges*  
Same as provided as to President, except that if no person

have a majority of the Electoral vote, election shall be by Senate. (Art. II, Sec. 1, and 12th Amendment)

### 3. COURTS OF LAW AND DEPARTMENT HEADS

- a. May be authorized by Congress to make minor appointments. (Art. II, Sec. 2, Cl. 2)

### 4. SENATE

- a. Shares in Treaty Making Power. Must ratify treaties by two-thirds vote. (Art. II, Sec. 2, Cl. 2)
- b. Shares in Appointing Power. Must confirm major appointments. (Art. II, Sec. 2, Cl. 2)

## D. JUDICIAL DEPARTMENT—INSTRUMENTALITIES FOR EXERCISING JUDICIAL POWER.

- 1. COURTS—To consist of the Supreme Court and such inferior courts as may be established by Congress.

(Art. III, Sec. 1)

#### a. *Qualification of Judges*

- (1) Must take oath to support Constitution.

(Art. VI, Sec. 3)

#### b. *Appointment and Term*

- (1) Judges of Supreme Court must be appointed by President by and with the advice of Senate; other judges so appointed unless otherwise provided by Congress.

(Art. II, Sec. 2, Cl. 2)

- (2) All judges hold office during good behavior.

(Art. III, Sec. 1)

#### c. *Procedure*

- (1) Jurisdiction

- (a) Supreme Court has original jurisdiction in all cases:

1—Affecting Ambassadors, other Public Ministers, and Consuls.

2—When State is party.

(Art. III, Sec. 2, Cl. 2)

- (b) Supreme Court in all other cases has appellate jurisdiction such as Congress may prescribe.

(Art. III, Sec. 2, Cl. 2)



- (c) Inferior courts to have such jurisdiction as Congress may constitutionally prescribe.

(Art. III, Sec. 1)

(2) Rules of Procedure Protecting Individual Rights.

- (a) Trial of all crimes by courts to be speedy, public, and by Jury, and in State and district where committed (if in any state).

(Art. III, Sec. 2, Cl. 2; 6th Amendment)

- (b) Presentment by Grand Jury necessary in cases not arising in land or naval forces or militia in actual service.

(5th Amendment)

- (c) Accused to be confronted by opposing witnesses.

(6th Amendment)

- (d) Accused to have compulsory process for witnesses.

(6th Amendment)

- (e) Accused to have counsel.

(6th Amendment)

- (f) Civil cases where amount involved is more than \$20.00 to be tried by Jury.

(7th Amendment)

d. *Privileges of Judges*

- (1) To retain salary without diminution.

(Art. III, Sec. 1)

2. CONGRESS

- a. Each House to be judge of the election of its own members.

(Art. I, Sec. 5, Cl. 1)

b. *Impeachments*

- (1) House of Representatives to Impeach.

(Art. I, Sec. 2, Cl. 5; Art. II, Sec. 4)

- (2) Senate to try Impeachments.

(Art. I, Sec. 3, Cl. 6, 7; Art. II, Sec. 4)

## III

POWERS OF THE NATIONAL GOVERNMENT AND  
DUTIES OF NATIONAL OFFICERS

## A. NATIONAL POWERS AND DUTIES

## 1. OF THE LEGISLATURE

a. *Express Powers*

## (1) Taxing Power.

(Art. I, Sec. 8, Cl. 1; 16th Amendment;  
Art. I, Sec. 2, Cl. 3; Art. I, Sec. 9, Cl. 5)

## (2) Power to Borrow Money.

(Art. I, Sec. 8, Cl. 2)

(3) Power to Regulate Interstate and Foreign Commerce  
and Commerce with the Indian Tribes.

(Art. I, Sec. 8, Cl. 3)

## (4) Naturalization Power.

(Art. I, Sec. 8, Cl. 4)

## (5) Power to pass Bankrupt Laws.

(Art. I, Sec. 8, Cl. 4)

## (6) Power to Coin Money, Regulate its Value, and of foreign coin, and to punish Counterfeiting.

(Art. I, Sec. 8, Cl. 5 and 6)

## (7) Power to Establish Standard of Weights and Measures.

(Art. I, Sec. 8, Cl. 5)

## (8) Power to Establish and Maintain the Postal Service.

(Art. I, Sec. 8, Cl. 7)

## (9) Power to Establish Patents and Copyrights.

(Art. I, Sec. 8, Cl. 8)

## (10) Power over Piracies and International Offenses.

(Art. I, Sec. 8, Cl. 10)

(11) *War Powers*

## (a) To declare war.

(Art. I, Sec. 8, Cl. 11)

## (b) To grant letters of Marque and reprisal.

(Art. I, Sec. 8, Cl. 11)

## (c) To make rules as to captures on land and water.

(Art. I, Sec. 8, Cl. 11)

## (d) To raise and support armies.

(Art. I, Sec. 8, Cl. 12)



- (e) To provide and maintain a navy.  
(Art. I, Sec. 8, Cl. 13)
- (f) To make rules for government of army and navy.  
(Art. I, Sec. 8, Cl. 14)
- (g) To provide for calling out the Militia to
  - 1—Execute the laws of the Union.
  - 2—Suppress Insurrections.
  - 3—Repel Invasions.(Art. I, Sec. 8, Cl. 15)
- (h) To provide for organizing, arming and disciplining the Militia and governing them when in United States Service.  
(Art. I, Sec. 8, Cl. 16)
- (12) Power to acquire and govern Federal Districts.  
(Art. I, Sec. 8, Cl. 17)
- (13) Power to admit new States.  
(Art. IV, Sec. 3, Cl. 1)
- (14) Power to govern Territories.  
(Art. IV, Sec. 3, Cl. 2)
- (15) Power to enforce Prohibition of Slavery.  
(13th Amendment, Sec. 2)
- (16) Power to enforce provisions of 14th Amendment.  
(14th Amendment, Sec. 2)
- (17) Power to enforce provisions of 15th Amendment.  
(15th Amendment, Sec. 2)
- (18) Power to enforce provisions of 18th Amendment.  
(18th Amendment)
- (19) Power to prescribe manner of proving and effect of Public Acts, Records and Judicial Proceedings of one State in another.  
(Art. IV, Sec. 1)
- (20) Power to propose Constitutional Amendments.  
(Art. V)

b. *Implied Powers*

To make laws giving effect to the express provision that Congress may pass whatever laws may be necessary and proper to carry into execution all the powers granted by the Constitution to it, to the Government of the United States, or to any department or officer thereof.

(Art. I, Sec. 8, Cl. 18)

## 2. OF THE EXECUTIVE

a. *Executive Power Proper*

- (1) The Executive Power of the United States is vested in the President.

(Art. II, Sec. 2)

- (2) He shall take care that the laws are faithfully executed.

(Art. II, Sec. 3)

- (3) Power to appoint officers as provided and limited.

(Art. II, Sec. 2)

- (4) May temporarily fill vacancies.

(Art. II, Sec. 2, Cl. 3)

- (5) Must commission all United States officers.

(Art. II, Sec. 3, Cl. 1)

- (6) Has pardoning power except in cases of impeachment.

(Art. II, Sec. 2, Cl. 1)

- (7) Shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia when in active service.

(Art. II, Sec. 2, Cl. 1)

- (8) May require the opinion in writing from heads of departments.

(Art. II, Sec. 2, Cl. 1)

b. *Quasi Legislative Powers and Duties*

- (1) Power of qualified veto.

(Art. I, Sec. 7)

- (2) Duty to send messages to Congress giving information of the State of the Union and recommending measures to them.

(Art. II, Sec. 3, Cl. 1)

- (3) May convene or adjourn Congress as specially provided.

(Art. II, Sec. 3, Cl. 1)

c. *Diplomatic Powers and Duties*

- (1) Power to make treaties by and with advice of Senate.

(Art. II, Sec. 2, Cl. 2)

- (2) Duty to receive Ambassadors and Public Ministers.

(Art. II, Sec. 3, Cl. 3)

## 3. OF THE JUDICIARY

- a. The Judiciary of the United States have jurisdiction in all cases :

- (1) Arising under the Constitution, laws or treaties of the United States.  
(Art. III, Sec. 2, Cl. 1)
- (2) Affecting Ambassadors, other Public Ministers, and Consuls.  
(Art. III, Sec. 2, Cl. 1)
- (3) Of Admiralty and Maritime Jurisdiction.  
(Art. III, Sec. 2, Cl. 1)
- (4) To which United States is a party.  
(Art. III, Sec. 2, Cl. 1)
- (5) Between two or more States.  
(Art. III, Sec. 2, Cl. 1)
- (6) Between a State and citizens of another State, except that State may not be defendant.  
(Art. III, Sec. 2, Cl. 1; 11th Amendment)
- (7) Between citizens of different States.  
(Art. III, Sec. 2, Cl. 1)
- (8) Between citizens of same State claiming lands under grants of different States.  
(Art. III, Sec. 2, Cl. 1)
- (9) Between a State or citizens thereof and foreign States, citizens or subjects, except that State may not be made defendant at suit of individuals.  
(Art. III, Sec. 2, Cl. 1; 11th Amendment)

#### IV

### LIMITATIONS ON NATIONAL POWERS AND OFFICERS

#### A. ON NATIONAL POWERS

1. LIMITATIONS ON ALL AND EACH OF THE DEPARTMENTS OF GOVERNMENT
  - a. No person shall be deprived of life, liberty, or property without due process of law.  
5th Amendment)
2. LIMITATIONS ON THE LEGISLATIVE DEPARTMENT
  - a. *For the Security of Individual Rights*
    - (1) Personal Liberty, civil and religious.  
1—May not give a legal status to slavery.  
(13th Amendment)

- 2—May not ordinarily suspend the Writ of Habeas Corpus.  
(Art. I, Sec. 9, Cl. 2)
- 3—May not punish treason by corruption of blood.  
(Art. III, Sec. 2, Cl. 2)
- 4—May not make law respecting an establishment of religion or prohibiting the free exercise thereof.  
(1st Amendment)
- 5—May not pass a law abridging the Freedom of Speech.  
(1st Amendment)
- 6—May not pass a law abridging the Right of Assembly.  
(1st Amendment)
- 7—May not pass a law abridging the Right of Petition.  
(1st Amendment)
- 8—May not pass a law abridging the Right to Bear Arms.  
(2nd Amendment)
- (2) Civil Equality.
  - 1—May not grant title of nobility.  
(Art. I, Sec. 9, Cl. 8)
- (3) Political Rights.
  - 1—No religious test can be used to disqualify for office.  
(Art. VI, Sec. 3)
  - 2—May not deny franchise for race, color or previous condition of servitude.  
(15th Amendment)
  - 3—May not deny franchise on account of sex.  
(19th Amendment)
  - 4—May not define Treason, the definition being given in Constitution.  
(Art. III, Sec. 3, Cl. 1)
- (4) Right to a Fair Trial if Accused of Crime.
  - 1—May not pass Bill of Attainder nor Ex Post Facto law.  
(Art. I, Sec. 9, Cl. 2)
- b. *For the Security of State Rights*
  - (1) May not lay direct taxes (other than Income Tax) except by rule of apportionment.  
(Art. I, Sec. 2, Cl. 3; 16th Amendment;  
Art. I, Sec. 9, Cl. 4; Art. V)



- (2) May not give preference by regulation of commerce or revenue to ports of one State over another.

(Art. I, Sec. 9, Cl. 5)

- (3) May not form a new State at expense of old States without their consent.

(Art. III, Sec. 3, Cl. 1)

- (4) May not compel vessels bound to or from one State to enter, clear, or pay duties in another.

(Art. I, Sec. 9, Cl. 5)

c. *For Carrying Out Constitutional Policies*

- (1) May not tax Exports.

(Art. I, Sec. 9, Cl. 5)

- (2) May not lay duties, imposts, or excises, or Income Tax, except by Rule of Uniformity.

(Art. I, Sec. 8, Cl. 1; 16th Amendment)

- (3) May not question the U. S. Public Debt.

(14th Amendment)

- (4) May not pay "Rebel" Debt or for Slaves Emancipated.

(14th Amendment)

- (5) May not change President's salary during his term.

(Art. II, Sec. 1, Cl. 7)

3. LIMITATIONS ON THE EXECUTIVE DEPARTMENT

a. *For the Security of Individual Rights*

- (1) No soldiers to be quartered in any house without the consent of owner in time of peace, nor in war except as provided by law.

(3rd Amendment)

- (2) No unreasonable searches or seizures to be allowed.

(4th Amendment)

- (3) May not take private property for public use without compensation.

(5th Amendment)

b. *For Carrying Out Constitutional Policies*

- (1) No money to be drawn from Treasury unless authorized by Congress. (Art. I, Sec. 9, Cl. 6)

4. LIMITATIONS ON THE JUDICIAL DEPARTMENT

a. *On Senate*

- (1) No conviction in Impeachments except by two-thirds vote. (Art. I, Sec. 3, Cl. 6)

- (2) No judgment in Impeachment except removal from office and disqualification.

(Art. I, Sec. 3, Cl. 7)

b. *On Courts*

- (1) For the Security of Individual Rights

- (a) May not convict for treason except on testimony of two witnesses to same overt act or confession in open court.

(Art. III, Sec. 3, Cl. 2)

- (b) May not issue Search Warrants except upon good cause.

(4th Amendment)

- (c) No person not in military service to be held for trial for serious crime except after presentment or indictment by Grand Jury.

(5th Amendment)

- (d) No person to be twice put in jeopardy for same offence.

(5th Amendment)

- (e) No one to be compelled to testify against himself.

(5th Amendment)

- (f) No excessive bail to be required.

(8th Amendment)

- (g) No excessive fines to be imposed.

(8th Amendment)

- (h) No cruel or unusual punishments to be inflicted.

(8th Amendment)

B. ON NATIONAL OFFICERS

1. No senator or Representative during his term to be appointed to office created or emoluments thereof increased during that term.

(Art. I, Sec. 6, Cl. 2)

2. No Senator or Representative to hold any office under the United States during his term.

(Art. I, Sec. 6, Cl. 2)

3. No person holding office of trust or profit under United States to accept gift, etc., from foreign State or potentate without consent of Congress.

(Art. I, Sec. 9, Cl. 7)



4. No Senator, Representative or person holding office of trust or profit under United States to be Presidential Elector.  
(Art. II, Sec. 1, Cl. 2)
5. President may not receive from United States or any State any emolument other than his salary.  
(Art. II, Sec. 1, Cl. 7)

## V

### LIMITATION ON POWERS OF THE STATES

#### A. FOR THE SECURITY OF INDIVIDUAL RIGHTS

1. *Personal Liberty, Civil and Religious*
  - (a) No State may pass any Bill of Attainder.  
(Art. I, Sec. 10, Cl. 1)
  - (b) No State may pass any Ex Post Facto Law.  
(Art. I, Sec. 10, Cl. 1)
  - (c) No State may pass any law impairing the Obligation of Contracts. (Art. I, Sec. 10, Cl. 1)
  - (d) No State may re-establish Slavery.  
(13th Amendment)
  - (e) No State may deprive any person of life, liberty or property without due process of law.  
(14th Amendment)
  - (f) No State may deny to any person within its jurisdiction the equal protection of the laws.  
(14th Amendment, Sec. 1)
2. *Civil Equality.*
  - (a) No State may grant any Title of Nobility.  
(Art. I, Sec. 10, Cl. 1)
3. *Political Rights*
  - (a) No State may deny franchise because of Race, Color or Previous Condition of Servitude.  
(15th Amendment, Sec. 1)
  - (b) No State may deny franchise because of Sex.  
(19th Amendment)

#### B. FOR THE SECURITY OF THE RIGHTS OF THE NATIONAL GOVERNMENT

1. No State may enforce its own Constitution or laws in conflict with the National Constitution. (Art. VI, Sec. 2)

2. No State may enforce a law abridging the privileges or immunities of U. S. citizens.  
(14th Amendment)

### C. FOR CARRYING OUT CONSTITUTIONAL POLICIES

#### 1. *Absolute Prohibitions*

- a. No State may enter into any Treaty, Alliance or Confederation. (Art. I, Sec. 10, Cl. 1)
- b. No State may grant Letters of Marque or Reprisal.  
(Art. I, Sec. 10, Cl. 1)
- c. No State may coin Money.  
(Art. I, Sec. 10, Cl. 1)
- d. No State may Emit Bills of Credit.  
(Art. I, Sec. 10, Cl. 1)
- e. No State may make anything but gold or silver legal tender.  
(Art. I, Sec. 10, Cl. 1)
- f. No State may assume any "Rebel" Debt.  
(14th Amendment, Sec. 4)
- g. No State may pay claim for Emancipation of Slaves.  
(14th Amendment, Sec. 4)
- h. No State may allow sale or transport of Intoxicating Liquor.  
(18th Amendment)

#### 2. *Conditional Prohibitions without the Consent of Congress*

- a. No State may lay duties on imports or exports except to pay for enforcing its inspection laws.  
(Art. I, Sec. 10, Cl. 2)
- b. No State may lay any duty on Tonnage.  
(Art. I, Sec. 10, Cl. 2)
- c. No State may keep troops or ships of war in time of peace.  
(Art. I, Sec. 10, Cl. 2)
- d. No State may enter into agreement or compact with another State. (Art. I, Sec. 10, Cl. 2)
- e. No State may enter into agreement or compact with a foreign power.  
(Art. I, Sec. 10, Cl. 2)
- f. No State may engage in war unless actually invaded or in such imminent danger as will not admit of delay.  
(Art. I, Sec. 10, Cl. 2)

## VI

## INTERSTATE RELATIONS

- A. Full faith and credit to the public acts, records and judicial proceedings of one State must be given them in every other State.  
(Art. IV, Sec. 1)
- B. Citizens in one State to be entitled to privileges and immunities of citizens in every other State.  
(Art. IV, Sec. 2, Cl. 1)
- C. Executive authority of one State may demand fugitive criminals from his State to be delivered up if found in another State.  
(Art. IV, Sec. 2, Cl. 2)

## VII

## RELATIONS BETWEEN STATE AND NATIONAL GOVERNMENTS

- A. United States guarantees each State a Republican Form of Government.  
(Art. IV, Sec. 4)
- B. United States must protect each State against Invasion.  
(Art. IV, Sec. 4)
- C. United States must (on proper application) protect each State against domestic violence.  
(Art. IV, Sec. 4)
- D. No state without its consent shall be deprived of its equal suffrage in the Senate. (Art. V)
- E. State and Nation to have concurrent power to suppress Liquor Traffic.  
(18th Amendment)



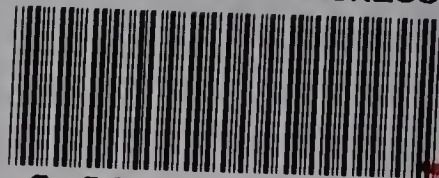








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